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Letter dated 16 November 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from Myanmar submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as Myanmar's response to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

06-62203 (E) 121206

Annex

Letter dated 14 November 2006 from the Permanent Representative of Myanmar to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

With reference to your letter of 31 May 2006, I have the honour to transmit herewith the information on measures taken by the Government of the Union of Myanmar regarding the implementation of resolution 1373 (2001) (see enclosure).

(*Signed*) Kyaw Tint **Swe**
Ambassador
Permanent Representative

Enclosure

1.-1 Implementation measures

Prevention and suppression of the financing of terrorist acts

1.1 Pursuant to paragraph 1 of resolution 1373(2001), all States should prevent and suppress the financing of terrorist acts, and specifically criminalize the willful provision or collection of funds with the intention of use for terrorist acts, regardless of whether it is attempted or completed. Myanmar's 3rd and 4th reports states that the financing of terrorist acts are explicitly criminalized under the Emergency Provisions Act of 1950, the Control of Money Laundering Law of 2002and the Law for Taking Action against Owning and Marketing of Properties Obtained by Unlawful Means of 1986. The Committee would appreciate your further elaboration on which article is to be applied to the provision or collection of funds to finance terrorism. Pursuant to the resolution, such provision or collection of funds must be punished even if no related terrorist act actually occurs or attempted. In this regard, the Committee would also welcome receiving your interpretation on which article meets this requirement.

Ans: **Anyone violating section 5 (A) of the Control of Money Laundering Law of 2002 shall be charged under section 23/32 of the law. Persons who attempt, abet, support, persuade, organize or conspire to violate the law shall be punished according to the law. Relevant provisions are going to be stipulated in the Counter Terrorism Law, which is being drawn up.**

1.2 The Committee is aware that the Control on Money Laundering Law stipulates that the Central Control Board (CCB) established by the Government may form the investigation body in order to investigate money laundering offences, and on the other hand, the Council of Ministers may designate the investigative body so as to investigate properties obtained by unlawful means pursuant to the Law for Taking Action Against Owning and Marketing of Properties Obtained by Unlawful Means. The Committee would be grateful to know the interrelationship of the investigative power between the said two investigative bodies and the police in terms of the examination of the laundered criminal proceeds.

Ans: **The investigating body formed by the CCB will only carry out investigations of (11) crimes as stipulated in section 5 of the Control of Money Laundering Law of 2002. The investigating body FIU (Financial Intelligence Unit) is composed of officers from controlling agencies including the Myanmar Police Force.**

The investigating body, formed by the government under the 1986 Law for Taking Action against Owning and Marketing of Properties Obtained by Unlawful Means, has been assigned to investigate whether properties are obtained by unlawful means. It is formed with officers of the Bureau of Special Investigation. It carries out the investigation of offences committed before the Control of Money Laundering Law of 2002 came into effect.

1.3 The Committee acknowledges that the Central Bank of Myanmar notifies state-owned banks, private banks and their branches to freeze the funds and financial assets related to terrorist\terrorist organizations pursuant to Directive No.2 issued by the Central Bank. Apart from the UN sanction lists, how does Myanmar identify and designate terrorist and terrorist organizations deriving from domestic intelligence, and how does Myanmar dispose foreign request to designate terrorists and terrorist group?

Ans: **Myanmar has identified and designated those who commit the following terrorist acts as terrorists and terrorist organizations and took action against them.**

(a) **Premeditation to commit act of terrorism;**

(b) **Act of terrorism committed in accordance with political, social or religious aim;**

(c) **Attack targeted at civilians;**

(d) **Act of terrorism committed by a tribe, a group or an association.**

1.4 The Committee is aware that particular laundered criminal proceeds may be subject to a freezing (prohibitory) order under the Control on Money Laundering Law, and unlawfully obtained properties can be confiscated only after the investigation revealed its illegal origin under the Law for Taking Action against Owning and Marketing of Properties Obtained by Unlawful Means. In this regard, the Committee would like to

again inquire whether funds or assets which are obtained by legal means but are intended to finance terrorist acts are subject to freezing or not in Myanmar.

Ans: **Funds or assets which are obtained by legal means but are intended to finance terrorist acts are subjected to freezing under section 5 (J) of the Emergency Provision Act of 1950, section 17 (E) of the Unlawful Association Act of 1908, or section 22 (A) of the Control of Money Laundering Rules of 2003. The Central Control Board (CCB) may issue the following orders:**

(a) Order prohibiting withdrawal and transfer of money property;

(b) Order permitting inspection of the financial records and order permitting copies thereof to be made;

(c) Order permitting seizure temporarily of the financial records and money and property as exhibit.

1.5 The Committee would like to know whether Myanmar has a general freezing procedure or tentative seizure system in the course of criminal investigation of economic or property offences, and welcome receiving explanation on it, if available.

Ans: **The procedure is explicitly provided for in the Control of Money Laundering Rule of 2003, and the Rule and regulation for Taking Action against Owning and Marketing of Properties Obtained by Unlawful Means Law of 1987.**

1.6 The Committee notes that non-profit organizations including charitable and religious associations are registered with the approval of the relevant Ministry and their banking accounts are examined through the Customer Due Diligence procedures in Myanmar. The Committee would welcome receiving further information about the monitoring measures to prevent their funds and assets from diverting to terrorism purpose, if available.

Ans: **Registered organizations, including NGOs, have to comply with the rules and regulations of the 1988 Organization law. Registration of their financial statement and balance sheet requires submission of verification from the authorities at different levels at the time of application for registration or at the**

time of renewal. Relevant provisions are going to be stipulated in the "Procedure of Organization law", which is being drawn up.

1.7 The Committee is informed that all the financial institutions in Myanmar have to be licensed by the Central Bank of Myanmar. Nevertheless, and does Myanmar recognize the existence of money transfer (remittance) system without license such as Hawala? If so, please describe the situation.

Ans: **In accordance with the Myanmar Financial Institutions Law of 1990 and the Control of Money Laundering Law of 2002, Myanmar does not recognize the existence of money transfer (remittance) system without license such as Hawala.**

1.8 In order for the effective implementation of paragraph 1 of resolution 1373(2001), the scope of the obligation for suspicious transaction report (STR) should be extended from financial institutions to other intermediaries. In this regard, the Committee would like to again ask for your clarification on whether lawyers, accountants, real agents, jewelers and other intermediaries are obliged to report suspicious transaction or not.

Ans: **Central Control Board (CCB) released orders that banks, Settlement and Land Record Department, Customs, Yangon City Development Committee, Department of Human Settlement and Housing Department, Road Transport Administration Department, Department of Marine Administration and the Directorate of Trade are obligated to report suspicious transactions. Other intermediaries such as lawyers, accountants, real agents, jewelers have been taken into consideration for further use as STRs.**

1.9 The Committee is grateful to have an organization chart of Myanmar's Financial Intelligence Unit (FIU) established in January 2004, and further would like to ask under which governmental body FIU is placed, and what kinds of backgrounds do the analysis of FIU have.

Ans: **The Financial Intelligence Unit (FIU) is under the Central Control Board. The Chairman of the Unit is the Minister for Home Affairs.**

1.10 The Committee also appreciates receiving your STRs statistics provided, and would welcome the update such as the number of monthly STRs to FIU.

Ans: **From the date on which the FIU was first established, i.e, from 16.1.2004 up to 30.6.2006, there have been 19344 STRs. During the year 2004, there have been 312 STRs monthly, and in the year 2006, up to the month of June, STRs have been increasing, namely 1180 monthly.**

Effective prevention of terrorist acts

1.11 The Committee would be grateful to know the usual apprehensive and detention procedure of the Myanmar Code of Criminal Procedure. In addition, the Committee would like to know whether Myanmar has legal provisions for pre-charge (administrative/ preventive) detention or not. If in affirmative, what safeguards exist for the use of such detention?

Ans: **Myanmar has legal provisions for pre-charge for a suspicious person without warrant from a magistrate (according to the under CrPC Section 54). Under section 61 of the Criminal Procedure Code (CrPC), a police officer may detain a person in custody on suspicious condition for not more than twenty-four hours. If investigation procedure cannot be completed in twenty-four hours, the accused must be brought before a magistrate who has jurisdiction to try the case or commit it for trial under section 167 of CrPC. The detention of such person shall not exceed in the whole 30 days where a person is accused of an offence punishable with rigorous imprisonment for a term of not less than seven years, and where a person is accused of an offence punishable with rigorous imprisonment for a term of less than seven years, the detention of such person shall not exceed 15 days in the whole.**

1.12 In order to facilitate detection of terrorists, are accommodation facilities such as hotels and inns legally required to verify their guests' identification and to transmit this information to the designated authorities?

Ans: **Hotels and rest houses have responsibility to transmit their guests' identification list to the respective local authorities under section 10 (1) of the Towns Act of 1907 and section 14 (1) (6) of the Foreigners Registration Act of 1948.**

Effectiveness in extradition and mutual legal assistance

1.13 It seems from the reports that Myanmar has no extradition legislation or extradition treaty with foreign countries, but it may extradite fugitives based on the principle of reciprocity. The Committee would welcome Myanmar's intention to codify an extradition procedure and further make bilateral or multilateral treaties in order to promote expeditious proceeding.

Ans: ----------.

1.14 Pursuant to paragraph 3(g) of resolution 1373(2001), all States should ensure that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists. The Committee is aware that Myanmar does not grant political asylum but would appreciate clarification as to whether this means that your Government always extradites alleged terrorists, including its own nationals, at the request of other States.

Ans: **Myanmar's position is that it does not hand over its citizens guilty of crimes to other states. But a foreigner guilty of a crime and asked for extradition from that country will be decided on a case-by-case basis, and extradition granted.**

1.15 Pursuant to the Mutual Assistance in Criminal Matters Law and its Rules, what is the time period within which a request for judicial assistance in criminal investigations or criminal proceedings must be met and how long does it take, in practice, to implement

such a MLA request? In addition, the Committee would welcome receiving information if Myanmar is going to enter bilateral or multilateral MLA treaties.

Ans: **Although there is no time frame within which a request for judicial assistance in criminal investigations or criminal proceedings under the Mutual Assistance in Criminal Matters Law Section 21(B) and its Rules must be met, the Central Authority may process the request for handing over of the relevant information, testimony, documents, records and supporting evidences to the requesting state without undue delay according to bilateral agreement. Myanmar has signed an Asean Treaty on 17th January 2006 concerning mutual assistance between member countries regarding criminal matters.**

Border control (immigration control and customs control

1.16 Paragraph 2(g) and paragraph 3(a) of resolution 1373(2001) calls for effective border controls and operational information exchange to prevent fraudulent use of travel documents and the movement of terrorists. In this regard, how does Myanmar make use of the Interpol's " stolen and lost passport and identification documents" system (I-24/7) at the immigration points?

Ans: **I-24/7 substation has not been established yet at the Myanmar Border Control Points. However, information received from Interpol is relayed to the control teams at the airports and border checkpoints for systematic investigation.**

1.17 The Committee would like to be informed of Myanmar's commitment to introduce the Advance Passenger Information System (APIS) to prevent the terrorists' trans-border movement.

Ans: **The Advance Passenger Information System (APIS) has not been introduced in Myanmar yet, but exchange of information is carried out with neighboring and other States to prevent trans-border movement of terrorists and send passengers list to landing port by manifest.**

1.18 Would Myanmar kindly outline the monitoring strategies and methods that customs uses to ensure the security of shipments entering and exiting its territory, using all modes or transport, against acts of terrorism? To what extent do these strategies and methods take into account the World Customs Organization's Framework of Standard to Secure and Facilitate Global Trade?

Ans: **Myanmar Customs assign the customs rummaging party to search every incoming and outgoing vessel in order to prevent smuggling and terrorism. The party rummages every crew cabin and store room to ensure that stowaway persons cannot hide. Moreover, one boarding officer and one gangway officer are assigned to perform duty onboard the vessel since its arrival till its departure. Being member administrations of WCO and RILO (Asia/Pacific), Myanmar customs administrations are obliged to disseminate information concerning terrorism. If one customs administration has the reason to believe that one vessel may carry a stowaway person related to possible terrorism in its destination, it shall disseminate information to the other administration concerned through RILO (Asia/Pacific) office. The above-mentioned customs procedures are in compliance with the WCO standard and best practice.**

Aviation security

1.19 The Committee notes that Myanmar is a contracting State of the International Civil Aviation Organization (ICAO). Has Myanmar been audited on the basics of the Universal Security Audit Programme (USAP) of the Aviation Security Plan of Action? If so, what difficulties and deficiencies have been identified, particularly with respect to the Standards and Practices detailed in Annex 17 to the Convention on International Civil Aviation?

Ans: **According to the USAP, the aviation security audit team from ICAO visited and conducted an audit of the aviation security matters in Myanmar in 2004 and the aviation security audit follow-up team visited Myanmar in 2006. According to the recommendations of the audit team, Myanmar conducted the following:**

(a) Myanmar has become the party to several conventions: (1) Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention 1963), (2) Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague Convention 1970), (3) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal Convention 1971) and the Protocol for the Suppression of Unlawful Acts against the Safety of Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed on Montreal on 24 February 1988, and (4) Convention on the Marking of Plastic Explosives for the Purpose of Detection done at Montreal on 1 March 1991, since 31 October 2004.

(b) Myanmar has already re-established the National Civil Aviation Security Committee (NCASC) and National Civil Aviation Security Working Committee (NCASWC) since 30 June 2004.

(c) The Law for National Civil Aviation Security (Draft) has been drafted.

(d) New Organization of Department of Civil Aviation, including the aviation security section, is being prepared to form.

(e) National Civil Aviation Security Programme and National Civil Aviation Security Training Programme has been drafted.

(f) Notification for Access Control, Notification for Security Control at Airport and Procedure for Sky Marshal are under process for release.

(g) National Civil Aviation Security Training Programme is being drawn up.

The Civil Aviation Security Authorities of Myanmar are trying hard to implement the standards and the recommended practices of ICAO Annex 17 (Security), according to the recommendations of USAP. But we need highly skilled technical courses for our personnel's.

Maritime security

1.20 In the context of the measure established in the International Maritime Organization (IMO) International Ship and Port Facility Security Code(ISPS), the Committee would welcome information on

Q 1: The measures that Myanmar has implemented in order to prevent unauthorized access to port facilities and to ship moored at such facilities ?

Ans: The fencing of the Port Facility area has already been constructed to the height of 3 meters. Razor wires (or) barbed wires have been installed right on top of the fencing.

The visitors who enter or depart the Port Facility through the designated gates are recorded in the Visitor Register Book, and these visitors are tagged with identity cards issued accordingly. The employees who carry out their daily duty in the Port Facility area are recorded in the nominal roll with full information about each employee and identification cards are duly issued to them. The employees who enter and depart from the Port Facilities are scrutinized thoroughly.

All the people who enter and depart from the Port Facilities Main gate are required to pass through the archway detectors. Hand-held Garrett Metal Detectors are used to examine whether there are concealed weapons. The vehicles that go in and out are searched thoroughly, and the underneath of the vehicles are searched with long hand-held car search Mirror Detectors.

CCTV cameras and access control systems are installed for surveillance and for security reasons in the area. In addition to competent security personnel, ex-service men are appointed at security team in the Port Facilities area.

The Ship Security Officers (SSO) and Port Facility Security Officers (PFSO) are given instruction to carry out the interwoven and interlinked security systems. They are also instructed to keep the record of Declaration of Security (DOS) and exchange these records vice-versa. There has been security measures that prohibit entry of unauthorized person to the ship moored along the berths.

The container yards are also installed with cargo scanners through which container must be passed. There are constant scrutinization of inside cargoes of the containers.

Q 2: What safeguards has Myanmar put in place in order to verify the integrity of staff employed at port facilities and on board ships, both upon hiring and during employment ?

Ans: **Personal data of those who are employed in the Port Facilities and the Myanmar seafarers are collected and compiled along with the recommendations of local authorities. Only those who hold National Registration Cards are given security duties at the Port Facilities and ex-security service men are widely used in port security teams.**

The Seamen Employment and Control Division of the Department of Marine Administration has issued Seafarer's Identity Documents (SID) to all of Myanmar seafarers and recorded their personnel data in the Main Office.

Q 3: The measures that Myanmar has put in place to respond to threats to, or breaches of, the security of port facilities and ship/port interfaces?

Ans: **As to breaches of Port Security and Ship / Port interfaces, the measures that Myanmar put in place to respond to threats are:**

To those ships which fly the Myanmar flag but do not follow ISPS Code, are not issued International Ship Security Certificate (ISSC).

To those international ships that do not have (ISSC) are not allowed to enter the Myanmar ports.

To those port facilities which are in Myanmar are not issued Statement of Compliance (SOC) if they do not follow and implement as per ISPS Code and instructions of the Designated Authority.

There has been a special arrangement to seek help from the Ministry of Defence, the Ministry of Home Affairs and regional security teams in order to counter the threats through successive reports from the PFSOs and instruction from the Maritime and Port Security Committee.

Q 4: The drills carried out by Myanmar in order to test the effectiveness of the security measure at port facilities and on the outcome of such drills?

Ans: **As for drills and exercises carried out by Myanmar in order to test the effectiveness of the security measures at Port Facilities, the Designated Authority issues instructions to carry out port and ship joint exercises at least once a year.**

The port facilities which have got statement of compliance are to be inspected by the Designated Authority at least once a year, and if any irregularities are found out, corrective action is to be taken at once. The drills and exercises are to be carried out and supervised accordingly.

Based on the results of the exercises, not only port facilities security officers but also the whole staff of Port Facilities is given in-house Port Security Awareness training.

International counter-terrorism instruments

1.21 The Committee is aware that Myanmar is a party to 10 international counter-terrorism instrument and would welcome a progress report on Myanmar's becoming a party to remaining instruments: the International Convention for the Suppression of the Financing of Terrorism, the Convention of the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism. In addition, could Myanmar also provide a progress report on its intentions to ratify, accept, approve or accede to the following instruments: the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms; and Amendment to the Convention on the Physical Protection of Nuclear Materials of July 8,2005?

Ans: **Myanmar signed the International Convention for the Suppression of the Financing of Terrorism in 2001 and ratified it recently. The Instrument of Ratification for this Convention and the Instrument of Reservation have been sent to the UN Secretariat through the Permanent Mission of Myanmar to the UN, New York. Myanmar ratified the Convention for the Suppression of**

Unlawful Acts against the Safety of Maritime Navigation of 1988 on 19 September 2003 and implemented it since December 2003. Myanmar is analyzing of the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms and the Amendment to the Convention on the Physical Protection of Nuclear Materials of 2005.

2. Implementation of resolution 1624(2005)

Paragraph 1

2.1 What measure does Myanmar have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Ans: Incitement to commit a terrorist act or acts can be prohibited or prevented under section 5 (j) of the Emergency Provisions Act of 1950, section 109 of the Penal Code of 1861 and section 17(1) of Unlawful Associations Act of 1908. Relevant provisions are going to be stipulated in the Counter-Terrorism Law, which is being drawn up.

2.2 What measure does Myanmar take to deny safe haven to any persons with respect to whom there is credible and relevant information given serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts.

Ans: Legal action for terrorist acts can be taken under section 5 (j) of the Emergency Provisions Act of 1950, section 109 of the Penal Code of 1861 and section 17(1) of Unlawful Associations Act of 1908. Relevant provisions are going to be stipulated in the Counter-Terrorism Law, which is being drawn up.

Paragraph 2

2.3 How does Myanmar cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

Ans: Myanmar is in cooperation with other States by being Party to the following Agreements:

25.10.2004: MOU between Myanmar and India on Cooperation in the field of Non-Traditional Security Issues;

15.1.2005: Agreement on Combating Transnational Crime and Maintaining Social Order in the Border Area of Myanmar and China;

9.8.2004: Agreement on Myanmar –Vietnam on Cooperation to Prevent and Combat Crime;

30.7.2005: MOU of Myanmar CCB and Thailand AMLO on Cooperation for Financial Information Exchange;

2001: ASEAN Declaration on Joint Action to Counter Terrorism ASEAN+3;

ASEAN + Russia Joint Declaration on Counter Terrorism;

ASEAN + Australia Joint Declaration on Counter Terrorism;

ASEAN + India Joint Declaration on Counter Terrorism;

ASEAN + EU Joint Declaration on Counter Terrorism;

ASEAN + US Joint Declaration on Counter Terrorism;

ASEAN + China Joint Declaration on Non Traditional Security Issue.

BIMSTEC Joint Working Group on Counter Terrorism and Transnational Crime.

Paragraph 3

2.4 What international efforts is Myanmar participating in or considering participating in/ initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

Ans: Accordance with the tradition in Myanmar, people can devote every religious freely and equally with their own consent.

A high-level official from Myanmar attended an Islamic Religious work-shop concerning basic human rights and traditions held in Kuala Lumpur in Malaysia from 2006, May 15 to 19 and discussed and exchanged views with participants from other countries.

Myanmar sent delegations to the following human rights workshops in the ASEAN Region: -

- The first workshop on human rights held in Jakarta from 5 to 6 July, 2001.
- The second work shop on human rights held in Manila from 14 to 15 June, 2002.
- The third work shop on human rights held in Bangkok from 28 to 29 May, 2003.
- The fourth work shop on human rights held in Jakarta from 17 to 18 June, 2004.
- Round-table Discussion on ASEAN Human Rights Mechanism Follow-up of the Vientiane Action Programme of ASEAN 2004-2010 held in Bali from 19 to 20 December, 2005.

2.5 What steps is Myanmar taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

Ans: Myanmar allows freedom of religion. At the same time, the Ministry of Religious Affairs, the Ministry of Education and the Ministry of Culture keep a close watch on developments and give information and education to people to prevent extremists from subversion. If terrorists incite subversion, appropriate action

will be taken under the section 5(j) , Emergency Provisions Act of 1950, and section 17(1) the Unlawful Associations Act of 1908,Section 122 of Penal Code 1861. Necessary provisions are going to be stipulated in the Counter Terrorism Law, which is being drawn up.

Paragraph 4

2.6 What is Myanmar doing to ensure that any measures taken to implement paragraphs 1,2 and 3 of resolution 1624(2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

Ans: To ensure that any measures taken to implement paragraphs 1,2 and 3 of resolution 1624 (2005) comply with all of its obligation under international law, Myanmar takes into account its obligations under international law, in particular international human rights law, refugee law and humanitarian law, when it draws up domestic laws. Myanmar has held discussions on these laws to educate people and include them in the syllabus for the Law Department of the Universities and for Basic Education Schools.

3. Assistance and guidance

3.1 The Committee wishes to emphasize once more the importance that it attaches to the provision of assistance and advice in connection with the implementation of the resolutions. The Committee's Directory of Assistance (www.un.org.sc.ctc) is frequently updated to include new relevant information on available assistance. The committee takes note of the fields of technical assistance requested by Myanmar in its second reports(page 11) and is pleased to inform Myanmar that its requested assistance has been brought to the attention of potential technical assistance providers through the Committee Matrix.

3.2 Furthermore , in light of the specific areas related to Myanmar's implementation of resolution 1373(2001) outlined in Section 1 of this letter, and based on Myanmar's

reports to the Committee and on the other relevant information available, the Committee, with assistance from the CTED experts, has conducted a preliminary analysis of Myanmar's technical assistance needs in order to identify priority areas in which the Committee believes Myanmar may benefit from receiving technical assistance. With the agreement of and in cooperation with the Government of Myanmar, the aim is to identify the best possible way for Myanmar to benefit from technical assistance in order to strengthen its implementation of the provisions of this resolution.

3.3 The analysis identified, on a preliminary basis, the following potential areas of assistance needs, with the understanding that further assessments may be necessary. The points below represent *selected* areas, amongst the areas referred to in the resolution, where assistance might be particularly useful:

- Legislative drafting of
  a) criminalizing the financing of terrorism,
  b) criminalizing of forms of terrorism assistance,
  c) the freezing of funds, and
  d) the extradition law
- Capacity building of the investigative bodies
- Training of the banking sector in order to strengthen its capacity to detect suspicious transactions;
- Training of the FIU experts in order to enhance their expertise to process STRs; and
- Training in typology for law enforcement officers to strengthen their ability to investigate money laundering offences and terrorist financing.

3.4 The Committee would like to receive your country's approval to share the abovementioned points with donor States and organizations that may be in a position to provide assistance in these *selected* areas (other parts of this letter will not be shared). This would enable the Committee to facilitate the provision of technical assistance. The Committee would appreciate receiving your country's response no later than 30 days from the date of this letter . If your country's response is not received within that period, the Committee will assume that the points could be shared with the donor States and organizations. The actual provision of assistance will naturally be subject to Myanmar's request and consent. The Committee would also

shared with the donor States and organizations. The actual provision of assistance will naturally be subject to Myanmar's request and consent. The Committee would also shared with the donor States and organizations. The actual provision of assistance will naturally be subject to Myanmar's request and consent. The Committee would also welcome any comments that may have regarding this section (Section 3 on 'assistance and guidance').

3.5 The Committee is aware of request for technical assistance in the 2nd report by Myanmar. Since than, technical assistance has been provided by the donor countries, international and sub regional organizations to Myanmar. The Committee would be grateful if Myanmar could identify the latest technical assistance needs in order for the Committee to assess and facilitate such technical assistance.

4. Further guidance and submission of further report

4.1 The Committee wishes to maintain the constructive dialogue it has established with Myanmar in relation to measure it is taking to implement the resolutions, in particular with regard to the areas identified in this letter as a priority. The Committee and its Executive Director stand ready to provide further clarification to Myanmar on any of the matters raised in this letter. The Executive Director can be contacted through Ms. Elena Rigacci Hay (telephone:+ 1 212 457 1733) ; fax: + 1 212 457 4041; email: cted@un.org). In addition, the Committee, through its Executive Directorate, may contact Myanmar's competent authorities to discuss any further matters related to the implementation of the resolutions.

4.2 The Committee would be grateful to receive from Myanmar further information on the questions and comments raised in Sections 1 and 2 of this letter on 'implementation measures' by 31 August 2006. Moreover, the Committee would be grateful if Myanmar would provide it with an update on assistance it has received, or is in tile process of receiving, including on whether such assistance has satisfied, or is expected to satisfy, Myanmar's needs related to the resolutions. As with previous reports, it is the intention of the Committee to circulate the further reports as a document of the Security Council. It is open to Myanmar, if desired, to submit a confidential annex to the report for the attention of the Committee and its Executive Directorate alone.

4.3 The Committee may, in a future stage of its work, have further comments or questions for Myanmar arising from other aspects of the resolutions. It would be grateful to be kept informed of all relevant developments regarding the implementation of the resolutions by Myanmar.